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Senate Bills 1215-6 (As Introduced)

Topic: Authorized Workers
Sponsor: Senator Schauer
Co-sponsors: None
Committee: Commerce and Tourism

Date Introduced: March 18, 2008

Date of Summary: March 19, 2008

Senate Bill 1215 amends the Occupational Code to add knowingly hiring, or continuing to employ, a person not authorized to work in the United States to the list of violations for which penalties are assessed.

Section 1216 would create a new law entitled the "Authorized Employment Enforcement Act". The bill prohibits an employer from recruiting, hiring, employing, or referring an individual for employment if the employer has actual or constructive knowledge that the individual is not legally authorized to work in the United States. A violation has not occurred if the employer has done one of the following in a good faith effort to comply:

- Requested, received, and documented (in the employment record) information verifying that the individual is a United States citizen or is other authorized to work in the United States. This verification must occur before the individual begins work.
- Verified the legal immigrant status of the individual using an electronic work authorization verification service provided by the United States Department of Homeland Security. This verification must occur before the individual begins work.

A violation of the prohibition in the bill would be subject to a civil fine equal to the greater of \$5,000 or the difference in compensation between the unauthorized worker and an authorized worker. The civil fine would be payable to the general fund of the municipality in which the violation occurred. The employer would also be required to pay the law enforcement agency's investigation costs.

Senate Bill 1216 takes effect 90 days after the date of enactment. The two bills are not tie-barred.